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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JONATHAN R. AUBE and	)	Case No.
SANDRA K. AUBE,	)	CV 12-08841-JGB (SSx)
	)	
Plaintiffs,	)	<b>JUDGMENT AND ORDER</b>
	)	<b>DISMISSING COMPLAINT WITHOUT</b>
v.	)	<b>PREJUDICE</b>
	)	
LINEAR FINANCIAL, INC.,	)	
et al.,	)	
	)	
Defendants.)	)	

Plaintiffs filed their Complaint on October 15, 2012. (Doc. No. 1.) Plaintiffs then filed a First Amended Complaint ("FAC") on November 2, 2012. (Doc. No. 12.) Defendants US Bank NA and Wells Fargo Bank NA moved to dismiss the FAC on November 21, 2012. (Doc. No. 17.) On January 10, 2013, the Court granted the motion to dismiss because Plaintiff failed to oppose, and dismissed US Bank and Wells Fargo from the Complaint. (Doc. No. 23.) Thus, only Defendant Linear Financial LP remained in the case. No proper proof of service is on file as to

1 Linear Financial and Linear Financial has not appeared in  
2 the case.

3 On February 13, 2015, the Court issued an order to  
4 show cause why the case should not be dismissed for lack  
5 of prosecution, as Plaintiffs had failed to file proper  
6 proofs of service as to the Linear Financial within 120  
7 days of the filing of the Complaint. (Doc. No. 26.)  
8 Fed. R. Civ. P. 4(m). The Court put Plaintiff on notice  
9 that failure to respond to the order would be deemed  
10 consent to the dismissal of the action. (Doc. No. 26.)

11 On February 23, 2015, the order to show cause was  
12 returned to the clerk's office undelivered. Evidently,  
13 Plaintiff has failed to maintain a current address on  
14 file with the Court. A failure to maintain a current  
15 address, including a resulting failure to prosecute, may  
16 result in the imposition of sanctions including, where  
17 appropriate dismissal. Cantarella v. Gay, 73 F.3d 368,  
18 (9th Cir. 1995). Given the lengthy period of Plaintiffs'  
19 inaction, the Court finds dismissal is appropriate here.

20 Accordingly, the Court DISMISSES Defendant Linear  
21 Financial from Plaintiffs' Complaint WITHOUT PREJUDICE.  
22 Because there are no remaining Defendants in this action,  
23 the Clerk shall close the file. The Court orders that  
24 such judgment be entered.

25  
26 Dated: February 27, 2015



JESUS G. BERNAL  
United States District Judge